

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SWD - Detailed Enquiry conducted on the atrocity claim of Sri L.Mohan Raj - Certain Reliefs and Rehabilitations already sanctioned to Sri L.Mohan Raj basing on his atrocity claim shall hence forth be dispensed with – Final Orders – Issued.

SOCIAL WELFARE (POA) DEPARTMENT

G.O.Rt.No. 609

Dated: 10.09.2012
Read the following:

1. Representation of Sri L.Mohan Raj, Dt:09-05-2005.
2. Govt Memo No:4169/POA/2005-5, SW Dept, Dt:05-12-2005.
3. From the Addl.DGP, CID, A.P. Hyderabad, Lr.No: 5936/C18/CID/2005, Dt:23-02-2007.
4. From the District Collector, Hyderabad, Lr.No.C2/1774/2004, Dt.21.07.2008.
5. Govt. Memo No:4437/POA/2009-1, SW(POA) Dept, Dt:30-10-2009.
6. From the Addl.DGP, CID, A.P Hyderabad, Lr.No: 6670/C44/CID/2011, Dt:29-08-2011, address to Government, Copy marked to Commissioner of Social Welfare, A.P, Hyderabad.
7. Govt.LetterNo.9224/POA/2011, SW(POA) Dept., dt.28.4.2012.(Showcause Notice)
8. Letter received from Sri L.Mohan Raj, Dt.

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Order :

In the circumstances stated by Sri L.Mohan Raj, in the reference 1st read above and repeated representations to the Government as an atrocity victim since quite some time and frequently representing before the various authorities of the Central and State Government, stating that the legitimate benefits to an atrocity victim were not being extended to him, considering his repeated representations, it was deemed fit to examine the case in detail afresh.

2) Based on his repeated representations Govt. without seeking the views of the Inspector General of Police, PCR Cell, vide reference 2nd read above had considered his request sympathetically on humanitarian grounds construing him as an atrocity victim and sanctioned Rs.50,000/- under Section 3(2)(1) and (ii) of G.O.Ms.NO:3, SW (H1) Dept, Dt:16-01-1996 even before the charge sheet was filed and receipt of the Inspector General of Police (PCR Cell) report.

3) The representations of Sri L.Mohan Raj has been furnished to the Inspector General of Police (PCR) Cell and the Commissioner of Social Welfare, A.P., Hyderabad with a request to enquire into the matter and furnish a detailed report to the Government in the reference 2nd read above. The Inspector General of Police, PCR Cell, Hyd. in his letter 3rd read above, submitted a report stating that the atrocity claim of Sri L.Mohan Raj does not qualify as an atrocity victim. However compensation was paid without filing an FIR in contravention of the provisions of the POA Act.

4) In view of frequent representations made by Sri L. Mohan Raj before the various authorities, the Govt. vide reference 5th read above, have given directions to the Commissioner of Social Welfare, A.P, Hyderabad, and the District Collector, RR Dist. and Hyderabad, to extend relief and rehabilitations to him.

5) After detailed perusal of the case, the matter was got re-enquired by the IGP (PCR Cell), A.P, Hyderabad, based on the report of the Addl.DGP, CID, Hyd., vide reference 6th read above and based on the documents submitted by Sri L.Mohan Raj on 07.01.2012, Government have observed as follows:

- (1) the supposed cause of the alleged atrocity is basically a civil dispute between Sri L.Mohan Raj and Sri Ram Kumar Tiwari in connection with the loan taken through the chit funds and non repayment of the same by Sri L.Mohan Raj and subsequent filing of criminal cases by both of them in CC No.318/2000 and CC No.440/2000. Both these cases are inter related, the sections mentioned in CC No.318/2000 are based on the material of CC No.440/2000. Therefore, it can not be construed as an atrocity case.
- (2) His claim for sanction of relief that the Leo-Rubber industry was destroyed in a fire accident has been actually due to short circuit and cannot qualify for relief under the POA Act. As per the definition of an atrocity under Section 3 of POA Act, 1989, states "who ever causes grievous /injury or hurt to an SC/ST person". In this particular case as there is no involvement of any person and it is only a mishap due to short circuit. Therefore, it cannot be considered as an atrocity case.
- (3) House breaking and looting of house as stated by him is a case of theft and no evidence has been adduced till date, since this is a case related to communal disturbances no specific motive can be attributed to a person or persons. As the whole area was under communal disturbances and as such it cannot be said that he has been victimized/targeted. It is also can not be construed as a case of an atrocity.
- (4) Sri L.Mohan Raj has stated that he is residing at H.No.23-2-239, Sultan Shahi, Hyd. and belonging to SC Community requested that as he was implicated in a false case and requested for a house site.

His request for allotment of 820 Sq.Yds. situated at Sy.No.157/1, Thokatta (V), Tirumalgiri (M), was examined in consultation with the District Collector, and it is observed that the land is a prime quarry and as such it cannot be allotted, as per G.O.Ms.No.243, Rev. (Assgn.I) Deptt., dt.28.02.2005.

The Dist. Collector, Hyd., through Lr.dt.01.12.2009, has stated that "the question of allotment of land at Thokatta Village, Thirumalgiri Mdl. is extraneous to the case. Therefore, the request for allotment of land as a relief measure under SC & ST (POA) Act is not feasible.

Sri L.Mohan Raj has filed W.P.No.29017/2008, praying "declaring the inaction of the 3rd respondent(i.e., Government) in not allotting the vacant site to an atrocity victim at Thokatta Village, Trimulgherry Mandal, Secunderabad, since the same is illegal, arbitrary, unjust and violative of Article 14 of the Constitution of India and consequently direct the Respondents 1 to 3 to act in terms of G.O.Ms.No.116 and 118 SW (POA.I) Deptt., dt.31.10.2001 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case"

The Hon'ble High Court in its oral orders dt.12.06.2009, has stated that "G.O.Ms.No.118, SW (POA) Deptt., dt.31.10.2001, spells out administrative guidelines issued to

the Social Welfare Department to sensitize Dist. Collector to take prompt action in providing relief and rehabilitation to SC/ST Victims of atrocities. The petitioner's complaint against Ramkishore Tiwari of Nirdosh Chit Fund Company still appears to be pending and there is no finding that the petitioner is or had been a victim of atrocities under the provisions of the Scheduled Caste and Scheduled Tribe (POA) Act, 1989. In the circumstances, the administrative instructions in G.O.Ms.No:118, dated:31.10.2001 are not, as at present, attracted. In any event, since it is not the Petitioners case that he has been a victim of atrocities at the instance of the State or any public officer, the petitioner is not entitled to grant of a direction to the State to compensate him, treating his alleged persecution by Ram kishore Tiwari as a State action or a conduct for which the State may vicariously be liable". And based on the aforesaid analysis dismissed the W.P.

As Sri L.Mohan Raj hails from SC Community and below poverty line, one house under VAMBAY Scheme was proposed in the name of his wife Smt. L.Laxmi, in the ongoing Housing Scheme at Nandanavanam, Karmanghat and possession certificate was sent to District Manager, Housing, Hyd. for allotment of house to her. Since the VAMBAY Housing Scheme at Nandanavanam, Karmanghat was not completed; it was proposed to give house flat in 670, FF, Block-42 at Yellammabanda, Shamshiguda Vill., Kukatpally to her as per the request of Sri L.Mohan Raj. Though the possession certificate is in the name of his wife and was ready for allotment, yet he has refused to take the above allotment and requested to allot the open land admeasuring 820 Sq.Yds. at Sy.No.157/1 of Thokatta Vill., Tirumalgi Mdl. Hyderabad, which can not be considered for allotment as per orders in force.

As per the report of the IGP (PCR Cell), and orders of the High Court it is revealed that Sri L.Mohan Raj is not a atrocity victim. Therefore, consideration of allotment of house site does not arise, as he do not come under the purview of the POA Act.

Despite the clear orders of the High Court, the Government was considering for allotment of land and accordingly, a piece of Govt. Land admeasuring (52) Sq.Yds. was identified in T.S.No.1, Block B., Ward-8, correlating to Sy.No.125/P, 126/P, 127/P of Yousufguda village, Khairatabad Mdl.for allotment in favour of atrocity victim. The Collector, Hyd. while enclosing a copy of the Sketch and TSIR, stated that the land is suitable and recommended for allotment to the atrocity victim in the present case and requested to kindly issue allotment order in this matter vide his lr.dt.18.02.2010.

As per G.O.Ms.No:3, SW(H) Dept, Dt:16-01-1996 the relief of allotment of land is considered in the case of victims of murder, death massacre rape mass rape and gang rape, permanent incapacitation and dacoity.

The relief of allotment of land for house site is to provide minimum basic shelter to the victim in the instant case it is not a case of atrocity as such it is not a fit case for allotment of land.

- (5) Sri L.Mohan Raj's children were provided admission in Hyderabad Public School, Hyderabad during the academic

year 2007-08, under pre-matric Scholarship provision under the presumption that he is an atrocity victim under the POA Act. Later on his children were shifted to Sri Chaitanya Techno School for the reason that the child was bitten by the Physical Trainer dog on 25.01.2007.

Now, he has requested the Govt. to sanction scholarship for an amount of Rs.1,32,000/- to continue Master L.Rahul Raj's education in Sri Chaitanya Techno College, Madhapur campus for Intermediate Course, as a special case stating that the candidate is the son of an atrocity victim, in fact he is not an atrocity victim.

As per G.O.Ms.No:3, SW(H) Dept, Dt:16-01-1996, in the case of victims of murder, death massacre rape mass rape and gang rape, permanent incapacitation and dacoity, full cost of the education of the children of the victims is considered accordingly, Children may be admitted in Ashram Schools/ Residential Schools but in the instant case his children were admitted in HPS and further he is claiming the benefits by admitting his child in techno schools and college as such, his case does not come under the purview of aforesaid G.O. Therefore his request for children's education cannot be considered under the said G.O.

6) Government after careful examination of records and explanation given by him in the physical hearing on 30.12.2011 and documentary evidences produced by Sri L.Mohan Raj in his representation dated 07.01.2011 and based on the enquiry report of Addl.DGP PCR Cell and the facts stated supra it is observed that he has resorted to frequent misrepresentation of facts and seeking reliefs under the provisions of the POA Act for drawing undue personal benefits. Among all the cases stated supra, no case qualifies under the POA Act and hence cannot be construed as an atrocity case as they do not attract the provisions of the Atrocity Act. As such this case does not warrant for any sympathetic consideration by Government as he do not qualify as atrocity victim under the POA Act.

7) Therefore a showcase notice has been issued in the reference 7th read above to Sri L. Mohan Raj and he was directed to SHOW CAUSE as to why the Government should not withdraw the relief's and rehabilitations extended to him vide references 2nd and 5th read above, considering the fact that none of the incident's reported, attract the provisions of the POA Act, 1989 and requested to submit his explanation within two weeks, with documentary evidences in support of his claim, failing which, it will be construed that he has no representation to make and final orders will be issued.

8) In the reference 8th read above Sri L.Mohan Raj has furnished his reply, in which he has contended that when two writ petitions are pending consideration before the Hon'ble High Court of Andhra Pradesh in which interim orders were also passed, the authorities cannot issue show cause notice in respect of the same subject matter and that when the matter are subjudged, issuance of the present show cause notice for the same cause of action amounts to contempt of court is wrong and baseless. The two court cases are as follows:-

9) Regard to W.P.No.14670 filed by Sri L.Mohan Raj before the Hon'ble A.P. against the cancellation of assignment. The court has passed 'Status Quo' orders in its interim order dated 25.06.2010.

10) The Collector, Ranga Reddy District has assigned a land admeasuring acres 5.00 guntas in Survey No.60 of Bakapur Village and Pudur Mandal, Ranga Reddy District. He was also sanctioned an amount of Rs.25,000/- by the Collector, Ranga Reddy District as exgratia as his case was charge sheeted under Cr.No.47/2010 U/s of 3(v) of SC/ST POA Act for being beaten by the villagers during the course of his developing and cultivating land in Sy.No.60. The matter of allotment of agricultural land to Sri L.Mohan Raj has

come up during the District Vigilance & Monitoring Committee meeting and it was found that the land in Sy.No.60 of Bakapur was assigned irregularly to L.Mohan Raj with out following due procedure and it was brought to the notice of the committee. Sri L.Mohan Raj has suppressed certain facts about himself. The District Collector, R.R.District after reexamining all the details and in the circumstances and facts has decided that the land assigned to the individual is required to be taken back and the assignment is to be cancelled since it is irregular assignment as the applicant is a native of Hyderabad District and he is ineligible to get land since the land is to be given to the victims of murder, death, massacre, rape, mass rape and gang rape only as per G.O.Ms.No.3, Dt.16.01.1996, whereas the petitioner was implicated in a false case, as per Annexure-I in G.O.Ms.No.3, Dt.16.01.1996.

11) The District Collector, R.R. District in his subsequent report dated 12.09.2011 has stated that the land assigned to Sri L.Mohan Raj, in Sy.No.60 of Bakapur(V), Pudur Mandal has not been taken back into the Government Custody till date, due to the Status-quo orders of the Hon'ble High Court passed on 25.06.2010.

12) The Hon'ble High Court in its order in WPMP No.18456 of 2010 held that "In view of the order of status quo passed on 25.06.2010 and extended on 28.06.2010, no further orders need be passed in this application. It is however made clear that neither party is entitled to make any changes over the property in question pending the writ petition". The ED, S.C. Corporation, R.R.Dist., has sanctioned an amount of Rs.1,03,250/- as per PD, DW, RR Proceedings No.J/372/2009, Dt.04.03.2010, towards land development works and Machinery works. The case is pending before the Hon'ble High Court of A.P., Hyderabad.

13) In regard to W.P.No.4968 of 2012 filed by Sri L.Mohan Raj on behalf of his son questioning the Government for not releasing the scholarship to his son just before his examinations.

14) As per the Provisions of SC/ST (POA) Act, the victims children are entitled for admission into Ashram Schools. But the Government had taken a lenient view and considered his children education in HPS / Chaitanya Techno School.

15) On his representation regarding sanction of scholarship to his son to pursue Intermediate course. His case was once again considered sympathetically and he was requested to furnish the following.

1. Caste Certificate
2. Income Certificate
3. SSC Marks Memorandum
4. Transfer Certificate of X Class
5. Passport size photos

16) As he did not comply with the requisites the Government could not help him due to his callous attitude as the drawal and payment of scholarship amounting to Rs.35,000/- towards tution fee & Rs.3,000/- towards pocket allowances has to be made through online system to the college and students. But in this case the father of the applicant has not followed the due procedure adopted for sanction of scholarship under corporate college scheme as requested by District Collector, R.R.District as per permission accorded in Govt.Memo No.3626/SW.Edn.2/2009-6, SW Dept., Dt.16.07.2011. Further, the petitioner is claiming Rs.1,50,000/- towards payment of fee as per the scheme the applicant is permissible only for Rs.35,000/- towards fee.

17) Once again hiding the facts he has filed W.P.No.4968 of 2012 before the Hon'ble High Court of A.P. on behalf of his son impleading the Government for not releasing the scholarship to his son, in which an Interim order was passed on 24.02.2012. The said W.P. is pending in H.C. of A.P.

18) Hence his contention is that when two W.Ps are pending consideration before the Hon'ble High Court and in which interim orders were also passed and that the authorities cannot issue show cause notice is devoid of merits. As such the WPs filed by him before Hon'ble High Court of A.P. have no bearing on the issuance of the show cause notice and these two W.Ps have to be treated as two different subjects.

19) Further his contention is that he is entitled for Relief and Rehabilitation as he is an SC and economically poor person is not true as per the SC/ST(POA) Act and POA Rules. There is no provision in the said act to extend relief and rehabilitation to SC Economically poor persons, as such he is not entitled for Relief and Rehabilitation.

20) As verified from the explanation submitted by Sri L.Mohan Raj to the Government, it is observed that he has not come up with any new facts nor added any further evidences to substantiate his stand as an atrocity victim and no satisfactory evidence proofs has been furnished by the applicant in support of his claim.

21) Government after taking into consideration of his representations / reports furnished by the IGP (PCR Cell), A.P., Hyderabad, the orders passed in W.P No: 29017/2008, Dt: 12.06.2009 and the reports of the various departments involved and after re-examining the whole issue in light of POA Act 1989 / POA Rules 1995 has finally decided that:

1. No further new benefits will be extended to Sri L.Mohan Raj by treating him as an atrocity victim.
2. Reliefs given earlier only will be continued to him.
3. Reliefs / Rehabilitations not yet sanctioned shall be stopped forth with

22) The District Collector, Hyderabad / Ranga Reddy / the IGP (PCR Cell)/ Commissioner, Social Welfare, Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Hyderabad.
The District Collector, Ranga Reddy.
The Inspector General of Police (PCR Cell),
Andhra Pradesh, Hyderabad.

The Commissioner of Social Welfare, A.P., Hyderabad.
The Social Welfare (SCP.II) Department.
Sri L.Mohan Raj, H.No.13-2-267/A/45/1,
Shivlal Nagar, Puranapul, Hyderabad-500006.
The Asst. Registrar, AP Lokayukta, Hyderabad
Law Department/Education (School Education /Higher Education) Department

Copy to: The PS to Hon'ble Chief Minister.
The PS to M(SW)
The PS to Chief Secretary to Govt.
The PS to Prl.Secy. to Govt. SW Dept.
The Social Welfare (Education) Dept.
Sf/Sc.